

REMARKS

In the Office Action mailed January 9, 2007, the Examiner rejected claims 20-38 under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 5,892,905 to Brandt et al. (Brandt) in view of U.S. Patent Publication No. 2004/0073631 to Keorkunian et al. (Keorkunian).

At the outset, Applicants note that U.S. Patent Publication No. 2004/0073631 Keorkunian does not qualify as prior art under 35 U.S.C. §103(a) since Keorkunian has a filing date of January 4, 2001, and the instant application claims the benefit of a 14 June 2000 priority date—almost 7 months before Keorkunian.

Claims 20-38 are currently pending.

The Examiner rejected claims 20-38 under 35 U.S.C. §103(a) as unpatentable over Brandt in view of Keorkunian. Applicants respectfully traverse this rejection.

Claim 20 defines a method for communication between a client computer and a server computer using the hypertext transfer protocol (HTTP) and using, at the client computer an HTTP-browser. Claim 20 recites a combination including “upon unloading at the browser the predetermined close instruction received from the server computer, sending a second request from the client computer to the server computer to indicate initiation of the predetermined close instruction by the browser, the second request carrying the identifier and indicating to de-allocate the resource.”

Rather than a browser at a client system initiating a close function based on actions (e.g., "unloading") at a browser, Brandt discloses a disconnect mechanism initiated by a software application 342 at a serving computer system. Brandt FIG. 3; col. 17, lines 5-25. Specifically, Brandt states:

Software application 342 then calls a DISCONNECT API on Internet/application gateway 332 (step 821). The DISCONNECT API is a disconnect mechanism used to allow software application 342 to suspend a process while it waits for input. The DISCONNECT API causes gateway 332 to save the necessary data and state information corresponding to the suspended conversation, including the conversation identifier. The software application 342 then suspends the current software process and returns to a state that will allow the software process to be restarted later.

Brandt, col. 17, lines 5-25. Because Brandt's software application 342 at the server initiates termination, Brandt fails to disclose or suggest at least the following feature of claim 20: "upon unloading at the browser the predetermined close instruction received from the server computer, sending a second request from the client computer to the server computer to indicate initiation of the predetermined close instruction by the browser, the second request carrying the identifier and indicating to de-allocate the resource." (emphasis added)

Indeed, the Examiner at page 3 of the Office Action acknowledges that Brandt fails to disclose the noted feature of claim 20 by stating "Brandt fails to disclose, indicate initiation of the predetermined close function by the browser." (emphasis added) To cure this deficiency, the Examiner alleges that Keorkunian at paragraphs 177-188 discloses this missing feature.

However, a closer scrutiny of Keorkunian at paragraphs 177-188 reveals that Keorkunian fails to cure the above-noted deficiency of Brandt. In particular, Keorkunian fails to suggest or disclose “upon unloading at the browser the predetermined close instruction received from the server computer,” much less “sending a second request from the client computer to the server computer to indicate initiation of the predetermined close instruction by the browser.” At best, Keorkunian discloses the following:

[0181] Upon receiving a user disconnect message [804] from the User Interface Component, the Connection object [810] deletes [804.1] the User object [820]. NOTE--If the user is observing content when the user disconnect message [804] is received, the Connection object [810] will send an Observation Complete message [803] to itself.

Keorkunian, para. 181. As demonstrated by the above excerpt from Keorkunian, there is no indication that a close instruction sent by the server is unloaded by the browser. Nor is there any indication in the above paragraph that a second request is sent to indicate initiation of the predetermined close instruction by the browser.

Keorkunian, like Brandt, discloses a “portal” component (i.e., a “User Interface Component”) at a server that initiates a disconnect rather than a browser at a client system initiating a close function based on actions (e.g., “unloading”) at a browser. Keorkunian, para. 48. As a result, Keorkunian’s portal-based User Interface Component cannot possibly constitute “sending a second request from the client computer to the server computer to indicate initiation of the predetermined close instruction by the browser.”

In view of the foregoing reasons, neither Brandt nor Keorkunian, whether taken alone or in combination, discloses or suggests at least the following feature of claim 20:

“upon unloading at the browser the predetermined close instruction received from the server computer, sending a second request from the client computer to the server computer to indicate initiation of the predetermined close instruction by the browser, the second request carrying the identifier and indicating to de-allocate the resource.” Therefore, claim 20 is patentable over Brandt and Keorkunian, and the rejection under 35 U.S.C. §103(a) of claim 20 and claims 21-26, at least by reason of their dependency from independent claim 20, should be withdrawn.

Independent claims 27 and 33, although of different scope, include features similar to those noted above for claim 20. For at least the reasons given with respect to claim 20, claims 27 and 33 are patentable over Brandt and Keorkunian, and the rejection under 35 U.S.C. §103(a) of claims 27 and 33 and claims 28-32 and 34-35, at least by reason of their dependency from independent claims 27 and 33, should be withdrawn.

Regarding claim 36, it defines a method for communication between a client computer and a server computer, both computers using the hypertext transfer protocol (HTTP) and the client computer using an HTTP-browser. Moreover, claim 36 recites a combination including, among other things, the following feature: “returning a close instruction to the client computer, the close instruction including the time-out period (T) and the identifier.” The Examiner appears to allege that Brandt at column 17 teaches the above-noted feature of claim 36, but a closer scrutiny of the cited passages reveals that Brandt is completely silent with respect to the noted feature. Moreover, for at least the reasons given above, Keorkunian fails to cure the noted deficiencies in Brandt. Accordingly, claim 36 is patentable over Brandt and Keorkunian, whether taken alone or in combination, and the rejection of claim 36 under 35 U.S.C. §103(a) should be

withdrawn.

Claim 37, although of different scope, includes features that are similar to those ones noted above for claim 36. For at least the reasons noted for claim 36, claim 37 is patentable over Brandt and Keorkunian, whether taken alone or in combination, and the rejection of claim 37 under 35 U.S.C. §103(a) should be withdrawn.

Regarding claim 38, it recites a combination including, among other things, the following feature: "returning a predetermined response page to the browser, the response page carrying the identifier and carrying browser instructions." The Examiner appears to allege that claim 38 "lists all the same elements of claims 20-26 and 36." Office Action, page. 7. Applicants disagree since the noted feature does not appear in any of claims 20-26 and 36. Moreover, neither Brandt nor Keorkunian discloses or suggests the noted feature of claim 38, and the Examiner has not made any showing to the contrary. Accordingly, claim 38 is patentable over Brandt and Keorkunian, whether taken alone or in combination, and the rejection of claim 38 under 35 U.S.C. §103(a) should be withdrawn.

Regarding the combination of Brandt and Keorkunian, Applicants submit that one of ordinary skill in the art would not be motivated to combine such disparate references. First, Brandt is directed to solving the problems of providing a common user interface for software applications accessed via the Web. On the other hand, Keorkunian address the problems of making a user's interaction on the Web anonymous—leaving no record of a user's visit to a Web site. As such, a skilled artisan having Brandt would not look to Keorkunian. Moreover, there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference to add the claimed "indicate initiation of the

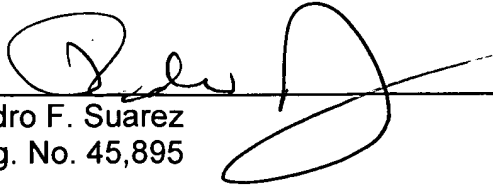
predetermined close instruction by the browser" feature. In view of the foregoing, Applicants submit that the Examiner has failed to establish failed to support a *prima facie* case of obviousness. Absent such support, the rejections under 35 U.S.C. §103(a) should be withdrawn for this additional reason.

CONCLUSION

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

On the basis of the foregoing amendments, Applicants respectfully submit that the pending claims are in condition for allowance. If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below. No fee is believed to be due, however, the Commissioner is hereby authorized to charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 34874-040-NATL/2000P00016WOUS01.

Respectfully submitted,

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